

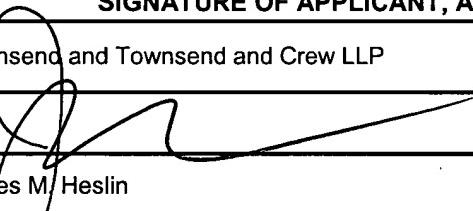
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## TRANSMITTAL FORM

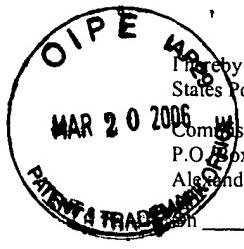
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	7	Attorney Docket Number	022128-000130US
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ENCLOSURES (Check all that apply)		
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Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	James M. Heslin		
Date	March 10, 2006	Reg. No.	29,541

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**PATENT**  
Attorney Docket No.: 022128-000130US

TOWNSEND and TOWNSEND and CREW LLP

By: Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

William Malecki et al.

Application No.: 10/787,532

Filed: February 25, 2004

For: ENERGY BASED DEVICES AND  
METHODS FOR TREATMENT OF  
PATENT FORAMEN OVALE

Examiner: Peffley, Michael F

Art Unit: 3739

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 37 CFR §1.98(a)(2)] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

James M. Heslin  
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60724689 v1

Substitute for form 1449A/PTO

**Complete if Known**

Application Number	10/787,532
Filing Date	February 25, 2004
First Named Inventor	Malecki, William
Art Unit	3739
Examiner Name	Peffley, Michael F

(Use as many sheets as necessary)

Sheet	1	of	3	Attorney Docket Number	022128-000130US
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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> ( <i>If Known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	3,874,388	04-01-1975	King et al.	
	2	4,788,975	12-06-1988	Shturman et al	
	3	4,798,594	01-17-1989	Hillstead	
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	5	5,041,095	08-20-1991	Littrell	
	6	5,292,362	03-08-1994	Bass et al.	
	7	5,380,304	01-10-1995	Parker	
	8	5,383,917	01-24-1995	Desai et al.	
	9	5,620,481	04-15-1997	Desai et al.	
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	12	6,211,335	04-03-2001	Owen et al.	
	13	6,391,048	05-21-2002	Ginn et al.	
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	22	6,946,134	09-20-2005	Rosen et al.	
	23	2001/0051803	12-13-2001	Desai et al.	
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	25	2004/0092973	05-13-2004	Chanduszko et al.	
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	27	2005/0125032	06-09-2005	Whisenant et al.	
	28	2005/0171526	08-04-2005	Rioux et al.	
	29	2005/0187568	08-25-2005	Klenk et al.	
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	31	2005/0192627	09-01-2005	Whisenant et al.	
	32	2005/0192654	09-01-2005	Chanduszko et al.	
	33	2005/0209636	09-22-2005	Widomski et al.	
	34	2005/0216054	09-29-2005	Widomski et al.	
	35	2005/0251201	11-10-2005	Roue et al.	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60724689 v1

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
				Application Number	10/787,532
				Filing Date	February 25, 2004
				First Named Inventor	Malecki, William
				Art Unit	3739
				Examiner Name	Peffley, Michael F
(Use as many sheets as necessary)				Attorney Docket Number	022128-000130US
Sheet	2	of	3		

<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	36	2005/0256532	11-17-2005	Nayak et al.	
	37	2005/0267495	12-01-2005	Ginn et al.	
	38	2005/0267525	12-01-2005	Chanduszko	
	39	2006/0036284	02-16-2006	Blaeser et al.	

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> ( <i>if known</i> )		
	40	WO	99/23959	A1	05-20-1999	VALLEYLAB INC
	41	WO	01/013810	A1	03-01-2001	MIRACLE MEDICAL SURGICAL TECHN
	42	WO	2005/046487	A1	12-08-2005	NMT Medical Inc
	43	WO	2005/074814	A2	08-18-2005	NMT Medical Inc
	44	WO	2005/115256	A	12-08-2005	OVALIS INC

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60724689 v1

Substitute for form 1449B/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	10/787,532
Sheet	3	of	3	Filing Date	February 25, 2004
				First Named Inventor	Malecki, William
				Art Unit	3739
				Examiner Name	Peffley, Michael F
				Attorney Docket Number	022128-000130US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	45	ATHIRAMAN et al., "Selective Photothermal Tissue Interaction Using 805-nm Laser and Indocyanine Green in Tissue Welding," <i>Journal of X-Ray Science and Technology</i> , Vol. 12, No. 2, (2004), pp. 117-126.	<input type="checkbox"/>
	46	FENNER et al., "Shear Strength of Tissue Bonds as a Function of Bonding Temperature: A Proposed Mechanism for Laser-Assisted Tissue Welding," <i>Lasers in Medical Science</i> , Vol. 7, (1992), pp.39-43.	<input type="checkbox"/>
	47	GODLEWSKI et al., "Applications and Mechanisms of Laser Tissue Welding in 1995: Review," <i>Proc. SPIE</i> , Vol. 2623, (Jan 1996) pp. 334-341.	<input type="checkbox"/>
	48	OLSON et al., "Developing An Animal Model for the Study of Fusion Using RF Energy," <i>Proc. SPIE</i> , Vol. 5312, (2004), pp. 147-161.	<input type="checkbox"/>
	49	OTT et al., "Comparative in Vitro Study of Tissue Welding Using a 808 nm Diode Laser and a Ho:YAG laser," <i>Lasers Med Sci</i> , Vol. 16, (2001) pp. 260-266.	<input type="checkbox"/>
	50	POPPAS et al., "Temperature-Controlled Laser Photocoagulation of Soft Tissue: in Vivo Evaluation Using a Tissue Welding Model," <i>Lasers Surg Med.</i> , Vol. 18, No. 4, (1996), pp.335-344.	<input type="checkbox"/>
	51	STEWART et al., "Laser Assisted Vascular Welding with Real Time Temperature Control," <i>Lasers Surg Med.</i> , Vol. 19, No. 1, (1996), pp. 9-16.	<input type="checkbox"/>
	52	TANG et al., "Quantitative Changes in Collagen Levels Following 830-nm Diode Laser Welding," <i>Lasers Surg Med.</i> , Vol. 22, No. 4, (1998), pp. 207-211.	<input type="checkbox"/>
	53	TANG et al., "Morphologic Changes in Collagen Fibers after 830 nm Diode Laser Welding," <i>Lasers Surg Med.</i> , Vol. 21, No. 5 (1997), pp. 438-43.	<input type="checkbox"/>

Examiner Signature		Date Considered	
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